

### **Remarks**

Reconsideration and reversal of the rejections expressed in the Office Action of July 19, 2006 are respectfully contended in view of the following remarks and the application as amended. The present invention relates to a system for delivering gas at a predetermined rate of flow in the processing of semiconductor devices, which includes a flow controller having a diaphragm forming upstream and downstream chambers connected by a fixed orifice, and means for delivering gas at a substantially constant pressure to the upstream chamber of the flow controller.

Relative to the drawings objection on page 2 of the Office Action, note that a flow sensor (a device for sensing the rate of fluid flow) would be understood by one of ordinary skill in the art to be within the flow controller of Figure 1. As such, Applicants respectfully submit that its separate depiction in the drawing is not necessary. If the Examiner does not concur with this assessment, it is respectfully requested that the application not be abandoned, and the requirement be reiterated in a further Office Action, if necessary.

Claims 1-8 were rejected under 35 U.S.C. §112, second paragraph. The claims have been clarified to overcome this rejection.

Claims 1-8 were rejected under 35 U.S.C. §103(a) as being anticipated by Fenimore et al., U.S. Patent No. 5,329,966 in view of McCall, U.S. Patent No. 5,363,699. The '966 patent relates to a system for delivering gas at a predetermined rate of flow, including a diaphragm type flow controller, a pressure regulator for providing a constant flow of gas to the flow controller, and a microprocessor controlled stepper motor utilizing an optical encoder to adjust the rate of flow of a gas leaving the controller without having to use a gas flow measurement device to monitor the flow rate. The '699 patent discloses a flow straightening and fluid displacement apparatus which comprises, in sequence in the direction of fluid flow, a first swirl mitigating and flow straightening device, a fluid displacement member comprised of two oppositely facing frustums jointed at their larger ends and mounted coaxially within the conduit, and a second flow straightening device.

Note that the '966 relates to a system for delivering gas, while the '699 patent substantially relates to a fluid displacement apparatus. Applicants respectfully contend that combining the teachings of the '699 patent with those of the '966 patent would destroy the purpose of the latter invention, i.e., there would be no technological motivation for engaging in such a modification. In other words, the intended function of the '966 patent would be destroyed by such a combination. Therefore, this rejection is overcome.

For all of the above reasons, it is respectfully contended that the solicited claims define patentable subject matter. Reconsideration and reversal of the rejections expressed in the Office Action of July 19, 2006 are respectfully submitted. The Examiner is invited to call the undersigned if any questions arise during the course of reconsideration of this matter.

Respectfully submitted,

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